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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
On April 12, 2005

Date of Meeting: June 14, 2004

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:30 p.m. on Monday, June 14, 2004, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

James Keene	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk (arrived at 6:17 p.m.)
Michael D. Letcher	Deputy City Manager
Deborah Rainone	Deputy City Clerk (departed at 6:17 p.m.)

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Reverend Patricia Noble, Science of Mind Center, after which the pledge of allegiance was presented by the entire assembly.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 292, dated June 14, 2004, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Dunbar announced on Saturday, June 19, 2004 the Jacob's Park Pool Dedication would take place and on Father's Day, June 20, 2004 the Ward 3 Dog Park on North Sixth Avenue would be dedicated at 10:00 a.m.
- b. Council Member West invited everyone to the groundbreaking of Tucson Fire Station 21 at 9:30 a.m. on Saturday June 19, 2004. The Fire Station will be located on Tanque Verde Road across from the Tanque Verde Lutheran Church.
- c. Mayor Walkup congratulated Herminia Frias the new Pasqua-Yaqui Chairwoman and welcomed her to her new leadership role.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 293, dated June 14, 2004, would be received into and made a part of the record. He asked for the City Manager's report.

James Keene, City Manager, reported:

- a. On Saturday, June 19, 2004 at 8:00 a.m. there would be a second public meeting on the future of Columbus Park.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 295, dated June 14, 2004, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New Licenses

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| 1. Kababeque<br>845 E. University Blvd. Suite 185<br>Applicant: Saurabh Sareen<br>City 027-04, Ward 6<br>Series 12<br>Action must be taken by: June 25, 2004 | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
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c. Special Events

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| 1. Tucson Museum of Art<br>140 N. Main Avenue<br>Applicant: Charlie E. Bodden<br>City T052-04, Ward 1<br>Date of Event: June 26, 2004                       | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance                         |
| 2. Escaramuza Flor de Primavera<br>4823 S. 6 <sup>th</sup> Avenue<br>Applicant: Francisco J. Celaya<br>City T056-04, Ward 5<br>Date of Event: June 26, 2004 | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Parks: In Compliance |

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, that liquor license applications 5b1, 5c1 and 5c2 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

**6. CONSENT AGENDA ITEMS A THROUGH H**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

**A. ASSURANCE AGREEMENT: (S02-022) WREN'S NEST SUBDIVISION LOTS 1 TO 7 AND COMMON AREAS "A" AND "B"**

1. Report from City Manager JUNE14-04-296 W2
2. Resolution No. 19847 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S02-022 of a final plat for the Wren's Nest Subdivision, Lots 1 to 7 and common areas "A" and "B"; and declaring an emergency.

- B. FINAL PLAT: (S02-022) WREN'S NEST SUBDIVISION LOTS 1 TO 7 AND COMMON AREAS "A" AND "B"
1. Report from City Manager JUNE14-04-297 W2
  2. The City Manager recommended that, after the approval of the Assurance Agreement, the Mayor and Council approve the final plat as presented. The applicant was advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.
- C. SURPLUS PROPERTY: DONATION OF COMPUTER EQUIPMENT TO TUCSON'S COVENANT WITH THE ELDERLY, INC.
1. Report from City Manager JUNE14-04-298 CITY-WIDE
- D. AGREEMENT: WITH THE ARIZONA COMMERCE AND ECONOMIC DEVELOPMENT COMMISSION AND THE TUCSON-MEXICO TRADE OFFICE FOR CONDUCTING A TRADE FLOW ANALYSIS
1. Report from City Manager JUNE14-04-301 CITY-WIDE
  2. Resolution No. 19851 relating to economic development; approving and authorizing an Agreement between the City of Tucson Tucson-Mexico Trade Office and the State of Arizona Commerce and Economic Development Commission (CEDC) to conduct a Trade Flow Analysis and declaring an emergency.
- E. RIO NUEVO: THRIFTY BLOCK REDEVELOPMENT PROJECT, ACCEPTANCE OF OFFER TO PURCHASE
1. Report from City Manager JUNE14-04-302 W6
  2. Ordinance No. 9983 relating to real property; authorizing and approving the substance of a contract for sale of real estate between the Rio Nuevo Multipurpose Facilities District and Bourn Projects Inc. or assigns for the property located at 26 through 72 East Congress Street; and declaring an emergency.
- F. MASTER LEASE AGREEMENT: WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR A PORTION OF 149 NORTH STONE AVENUE
1. Report from City Manager JUNE14-04-303 W1 AND W6

2. Ordinance No. 9984 relating to real property; authorizing and approving the lease of a portion of 149 North Stone Avenue to the Rio Nuevo Multipurpose Facilities District; and declaring an emergency.
- G. AMENDED FINAL PLAT: (S02-032) STARR PASS III, BLOCKS 1 TO 4, BEING A RESUBDIVISION OF BLOCK 5 AND OF A PORTION OF BLOCK 25 OF “STARR PASS”
1. Report from City Manager JUNE14-04-289 W1
  2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant was advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.
- H. REAL PROPERTY: ASSIGNMENT OF CITY PROPERTY TO PARKS DEPARTMENT USE – NORTHEAST CORNER OF SILVERBELL AND EL CAMINO DEL CERRO
1. Report from City Manager JUNE14-04-304 W1

Mayor Walkup recognized Council Member Dunbar

It was moved by Council Member Dunbar, duly seconded, that Consent Agenda Items A through H, be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Consent Agenda Items A through H, were declared passed and adopted by a roll call vote of 7 to 0.

## **7. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Betty Snider, representing the Arizona Association of Mobile Home Owners, applauded the Mayor and Council for living within their budget and noted that Police and Fire were more important than Access Tucson.

- b. Jessica Phillips supported preserving the Talk of the Town building.
- c. Arnold Harbert opposed reduced funding for Access Tucson.
- d. Julia Lindberg, representing Pima County Interfaith Council, urged the Mayor and Council to restore funding to family friendly programs such as Kidco's After School Program, Summer Youth Employment, Swimming Lessons, JobPath, School Plus Jobs, and programs for the elderly.
- e. David Charles and Patrick Brown presented their Science Fair project to the Mayor and Council. Their project studied arsenic contamination in our landfills from CCH treated lumber, which was an arsenic-based preservative formerly used in lumber.
- f. Jeff Schlegel and Valerie Raulik urged the Mayor and Council to express their opinion regarding the buyout of Unisource Energy and Tucson Electric Power at a public hearing Thursday, June 17, 2004 at 5:00 p.m. at the Arizona Corporation Commission.
- g. Michael Toney thanked Mr. Keene for the Environmental Services Fee Lifeline and continued to discuss laser computers and their relationship to the Flandrau Science Center.
- h. Tim Coleman urged the Mayor and Council and City staff to improve communications with the citizenry regarding the City's budget.
- i. Elezabeth Cameron urged the Mayor and Council to do something about the flooding in her neighborhood, Casa Alegre.
- j. Gretchen Lueck read a letter to the Mayor and Council from Roy Martin thanking the Mayor and Council for a win-win resolution for the Thrifty Block Renovation and preservation of historic buildings.
- k. Erica Kreider thanked the Mayor and Council for the Thrifty Block Resolutions, but cautioned that words such as "saving as much as possible" were generally meaningless.

**8. PUBLIC HEARING: GRANT-ALVERNON AREA PLAN AMENDMENT – TUCSON BOTANICAL GARDENS – SUB-AREA 1**

Mayor Walkup announced City Manager's communication number 290, dated June 14, 2004, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request by the property owners of the Tucson Botanical Gardens to amend the *Grant-Alvernon Area*

*Plan*. He also announced that before the public hearing, staff would make a brief presentation.

Albert Elias, Urban Planning and Design Director, advised Mayor and Council that this plan was requested by the Tucson Botanical Gardens. The request was to amend the *Grant-Alvernon Area Plan* to allow two residential properties that front on Sycamore on the east side of the Gardens to be used as office space in connection with the Botanical Gardens.

He reported the Planning Commission held a public hearing on amending the *Grant-Alvernon Area Plan*. After the public hearing they added language in their recommendation that was intended to keep the Sycamore Street block face looking residential in character. These were included in the recommendations. He added that there was support for the request by the Tucson Botanical Gardens from the Midtown Neighborhood Association as well. Staff's recommendation was that the plan amendment be approved. He added that according to the *Land Use Code*, this is a cultural use. Therefore, in order for the Tucson Botanical Gardens to use the properties, they would have to go through a special exception process. At that time there would be a hearing and an opportunity to mitigate any additional concerns related to the use of these two lots.

Mr. Elias concluded his comments by saying there was additional information in the packet and he would be available if the Mayor and Council had any questions.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations. He asked the speakers to come forward when he called their name. He asked them to state their name, address, whether or not they lived in the City, who they were representing and whether or not they were being paid.

Nancy Laney, representing the Tucson Botanical Gardens, said she did not have any remarks, but was available if the Mayor and Council had questions.

Mayor Walkup asked if anyone else wished to address the Council. There was no one.

Mayor Walkup called on Vice Mayor Ronstadt.

It was moved by Vice Mayor Ronstadt, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked the City Clerk to read Resolution 19849 by number and title only.

Resolution 19849, relating to planning and zoning; amending the *Grant-Alvernon Area Plan*; and declaring an emergency.

It was moved by Vice Mayor Ronstadt, duly seconded, to pass and adopt Resolution 19849.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Resolution 19849 was declared passed and adopted by a roll call vote of 7 to 0.

**9. ZONING: (C9-02-12) OCHOA – ST. MARY’S ROAD, R-2 TO O-2, REACTIVATION AND TIME EXTENSION (CONTINUED FROM MEETING OF MAY 3, 2004)**

Mayor Walkup announced City Manager’s communication number 291, dated June 14, 2004, would be received into and made a part of the record. He also announced this was a request to reactivate a case and a request for a time extension for property located at the northeast corner of St. Mary’s Road and Westmoreland Avenue.

Mayor Walkup asked if the applicant or a representative was present and if they were agreeable to the proposed conditions.

Marc Ochoa, the property owner, said he agreed with the proposed conditions.

Council Member Ibarra asked for a thirty day continuation of this item. There was some confusion from the last meeting and after speaking to Mr. Ochoa and Marty McKenna from the Barrio Hollywood Neighborhood Association, they asked for a thirty day continuation.

It was moved by Council Member Ibarra, duly seconded and carried by a voice vote of 7 to 0 to continue this item to the meeting of August 2, 2004.

(Note: Kathleen S. Detrick, City Clerk, arrived at 6:17 p.m.)

**10. ENVIRONMENTAL SERVICES: AMENDING TUCSON CODE (CHAPTER 15) - RELATING TO REFUSE**

Mayor Walkup announced City Manager’s communication number 305, dated June 14, 2004, would be received into and made a part of the record. He also announced staff would make a brief presentation. He called on Mr. Keene.



James Keene, City Manager, called on Eliseo Garza for the staff's presentation.

Eliseo Garza, Environmental Services Department Director, announced the first item before Mayor and Council was the adoption of the amendments to Chapter 15 of the *Tucson Code*. A public hearing was held last week regarding the amendments. The principal changes to the *Tucson Code* pertained to the implementation of a residential refuse fee and it made a distinction as to which customers would be considered residential versus commercial residential. For the purpose of clarification in respect to mobile home parks, they would be defined as commercial residential and would be able to solicit bids from private refuse companies for the provision of their services.

Mobile home parks could also choose to remain with the City and request suitable service. The mobile home park owner or manager could choose from a number of containers that would meet their needs and would effectively reduce fees for the residents. It could be a centralized container, a metal container such as a dumpster, a three hundred gallon plastic container or ninety gallon plastic container. Mr. Garza stated those were the principal changes in the Code and he was available to answer questions regarding the Code itself.

Mr. Keene said the item was on the Agenda for Council action only and a public hearing was not needed. He pointed out this would essentially create the opportunity to set the fee for residential refuse. The next item, Item 11, would actually set the rate itself. He said the Council had allowed the public to comment last week in a public hearing on the rate issue.

Mayor Walkup said the Council would have a public hearing on the budget next week.

It was moved by Vice Mayor Ronstadt, duly seconded, to pass and adopt Ordinance 9982.

Mayor Walkup asked the City Clerk to read Ordinance 9982 by number and title only.

Ordinance 9982, relating to environmental services; authorizing a residential fee for collection service; revising definitions relating to residential and commercial residential properties to classify which customers will be charged residential versus commercial refuse fees; clarifying the Director of Environmental Services' authority to set rates for commercial collection; providing that hazardous wastes may not be disposed of in either refuse or recycling containers; clarifying code provisions regulating refuse and recycling container placement and use, and residential and business recycling; making it a civil infraction to violate standards established in the Director's rule, procedures and regulations generally, or to fail to abide by those rules, procedures and regulations specifically promulgated for management of the City landfill; making certain other technical amendments; amending other definitions; providing for an effective date of July 1, 2004 for all amendments, amending Tucson Code Sections 15-1, 15-2, 15-12

through 15-16 inclusive, 15-18 through 15-20 inclusive, 15-24.1, 15-24.3, 15-24.6, 15-24.7, and 15-50; and declaring an emergency.

Kathleen S. Detrick, City Clerk, noted there were clerical corrections to the ordinance:

- Page 5 – Section 15-1, in the definition of Refuse, the word Greenwastes, should read Greenwaste.
- Page 9 – Section 15-14 (d), the words “City Solid Waste Management Department” should read “the City Environmental Services Department”.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members West, Dunbar, Vice Mayor Ronstadt and Mayor Walkup.

Nay: Council Members Ibarra, Scott, and Leal

Ordinance 9982 was declared passed and adopted by a roll call vote of 4 to 3.

Kathleen S. Detrick, City Clerk, announced that a second vote was necessary to enact the emergency clause.

For the purpose of the emergency clause, and that purpose only, Mayor Walkup called for the roll call vote:

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal, Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Ordinance 9982 was declared passed and adopted by a roll call vote of 7 to 0, with the emergency clause.

# **11. ENVIRONMENTAL SERVICES: PROPOSED RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION RATES AND LANDFILL FEES**

Mayor Walkup announced City Manager’s communication number 299, dated June 14, 2004, would be received into and made a part of the record. He also announced staff would make a brief presentation.

Eliseo Garza, Environmental Services Department Director, explained the Resolution was made possible by code that the Mayor and Council just adopted and which allowed approval of a residential refuse fee. He referred back to his presentation during Item 10 when he addressed mobile home parks. Also, they had responded to the

issues of winter visitors and the ability to allow their fee to be suspended during the time they were gone from Tucson, provided that their service be shut off from the Tucson Water Department.

Mr. Garza reiterated the City Manager's statement earlier in the afternoon during Study Session, regarding provision of the LifeLine Program working with Pima County Community Action Agency. In this revised Resolution, the commercial collection rates would make that program self-sufficient. They had increased the self-haul rates to the landfill from the current four dollars per vehicle and nine dollars per trailer to a total of ten dollars. Also, they modified the service violation notice charge. These were the violation notices that the City's code inspectors issued to people for various reasons, including containers spilled at the curb and contamination of the recycling barrel.

These changes would essentially add fees for continued violation of the provisions by the residents. They would receive two courtesy notices and with the third violation notice they would receive a ten dollar fee. It would add additional fees beyond the third violation for those who kept violating the provisions.

Mr. Garza stated that they made the delinquency fees consistent with Tucson Water, before the Environmental Services fees and Tucson Water were different. They left the late payment fees for commercial and landfill customers the same. There were a few minor additional changes to the fees as it pertained to cleaning of commercial containers and special services that residents might need.

He added that Section 2 of the Resolution indicated the fee would be in place thirty days after the adoption of the Resolution. However, based on the Mayor and Council discussion during Study Session, that effective date should be changed to August 1, 2004.

Mayor Walkup asked the City Clerk to read Resolution 19848 by number and title only.

Resolution 19848 relating to environmental services; pursuant to Tucson Code Section 15-31.1, authorizing and approving the Director of Environmental Services' proposed "Requirements and Schedules for Refuse Services Charges and Fees" during fiscal year 2004-2005, to take effect July 1, 2004; and declaring an emergency.

Kathleen S. Detrick, City Clerk, advised that the caption in the Resolution would be amended to indicate that the effective date would be August 1, 2004, rather than July 1, 2004. She also indicated that Section 2 of the Resolution would be amended to read August 1, 2004 rather than thirty days after the adoption of the Resolution. This was confirmed by the motion approved by the Mayor and Council during today's Study Session under Item 2 regarding the budget discussion.

Mayor Walkup asked the Council's pleasure.

It was moved by Vice Mayor Ronstadt, duly seconded, to pass and adopt Resolution 19848 with the amendments to the title and Section 2 establishing the effective date as August 1, 2004.

Council Member Dunbar asked to explain her vote. She asked if the Council was doing this for the deficit or was it a policy that would benefit the whole community. The responsibility of the City Council was to balance the needs and concerns of the whole community. Sometimes as Council Members they had information that was not apparent to the average citizen, so Mayor and Council's decisions were hard to understand. She wanted everyone to understand the reasoning that had gone into her decision. She said that most people thought that they were paying just to have their garbage collected and that could not have been farther from the truth. Garbage management begins from the moment goods are purchased and it kept going from there for the decades that follow as trash decays in our landfill.

Council Member Dunbar noted that most people fill the container and wait for the truck to come and they never realize the effect on the landfills. The City's landfills were toxic dumps and it would cost millions of dollars to clean up. The effect of the landfills has endangered the community. She said we had ground water contamination because mistakes were made twenty years ago. If the problem is ignored, it will get worse. Some people would be upset about the fee and some people would not be able to pay for the collection. She said she believed in this Ordinance. They had addressed the problems and she was personally committed to making sure they protected the people who truly could not afford to pay. The Mayor and Council had the ability to do this and they must do it. Her vote to create an Enterprise Department was predicated that David Modeer be the leader of that department for the next few months. She also indicated her expectations were that next year the Mayor and Council will see proposals like the pay as you throw program and other innovated ways of solving City garbage problems as water problems have been solved. The only way for the City to move into the future was to vote aye.

Council Member Scott stated that she would vote no, there were thousands of pieces of literature with her face and promises to her voters that she would not support this and she would vote no.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members West and Dunbar;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: Council Members Ibarra, Scott, and Leal

Resolution 19849 was declared passed and adopted by a roll call vote of 4 to 3.

Ms. Detrick announced that a second vote was necessary to enact the emergency clause.

For the purpose of the emergency clause, and that purpose only, Mayor Walkup called for the roll call vote:

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Resolution 19849 was declared passed and adopted by a roll call vote of 7 to 0, with the emergency clause.

## **12. ENVIRONMENTAL SERVICES: APPROVING THE RULES, PROCEDURES AND REGULATIONS FOR ENVIRONMENTAL SERVICES**

Mayor Walkup announced City Manager's communication number 300, dated June 14, 2004, would be received into and made a part of the record. He also announced staff would make a brief presentation. He called on Mr. Keene.

James Keene, City Manager, asked Mr. Garza to give the staff's presentation.

Eliseo Garza, Environmental Services Department Director, stated that these proposed rules provided very minor changes to the existing rules. Mr. Garza asked that polystyrene would be deleted as collectible recyclable from the recycling program. It puts into effect the orphan waste list program as part of the clean community program which was paid for by a two dollar fee. This allowed residents to either up size or down size their containers, if they so choose. They were also limiting the number of households that could use three hundred gallon containers to three. This should avoid some of the issues that they had seen by overfilling these containers.

Mayor Walkup asked the City Clerk to read Resolution 19850 by number and title only.

Resolution 19850, relating to environmental services; authorizing and approving the "Rules, Procedures and Regulations for Environmental Services 2004-2005," to take effect July 1, 2004; and declaring an emergency.

Mayor Walkup asked the Council's pleasure

It was moved by Vice Mayor Ronstadt, duly seconded, to pass and adopt Resolution No. 19850.

Mayor Walkup recognized Council Member West.

Council Member West said one thing they had discussed was that the "Importation of Waste" item had been removed inadvertently from the rules and procedures. She requested it be added to this item. Council Member West asked the City Clerk if it needed to be brought back to the Mayor and Council, or if Mr. Rankin would know the answer.

Kathleen S. Detrick, City Clerk, said if they had the proposed language, she could read it back into the record and they could amend the Resolution.

Mr. Keene explained since they were dealing with rules, if they crafted the language as it was in the previous editions until couple of years ago, they could quickly bring that back.

Mayor Walkup asked Council Member West if she would like a moment now to draft the language.

Mike Rankin, City Attorney, said since this was an Ordinance that would change the text in the Code itself, it would be best for it to come back as an agenda item with the language for the Council to consider and adopt.

Mayor Walkup recognized Council Member Leal.

Council Member Leal stated he moved this Ordinance forward some years ago and was surprised to see that this had been deleted. He also sent an e-mail to the City Manager indicating the City was suppose to have one and this was suppose to be the law. He was interested in seeing this remedied.

Mr. Keene wanted to make it clear that they could not add that language at the meeting, because they needed the specific language for the Ordinance. He added it should be a specific agenda item, as the City Attorney said. He said it would be scheduled for either June 21, 2004 or June 28, 2004 at the latest. He also added it would be appropriate to say that Mayor and Council clearly directed this action for the record.

Council Member West indicated she wanted to make a motion.

Ms. Detrick said there was already a motion on the table by Vice Mayor Ronstadt, unless Vice Mayor Ronstadt wanted to withdraw his motion.

Council Member West said she would then like to amend the motion.

Ms. Detrick said that Vice Mayor Ronstadt's motion was to pass and adopt the Resolution, so the Council could not amend that motion. What was needed was a substitute motion or Vice Mayor Ronstadt would need to withdraw his motion.

Vice Mayor Ronstadt withdrew his motion.

Council Member Leal said he needed clarification on this motion. If the Council created this Ordinance in the first place and staff inadvertently dropped that out a couple of years ago, he thought that all they had to do was to put it back in. Why did the City have to make the law twice. He said staff did not have the authority to do it in the first place.

James Keene, City Manager, responded that the Ordinance was brought forward for some other purpose and the correct language was inadvertently excluded. He said he spoke to the City Attorney and they could have this item on the agenda on June 21, 2004. It would be a very simple matter. The language was there. They would just have to have it as an agenda item before the Council, in that language, because it would be an Ordinance change.

It was moved by Council Member West, duly seconded, to direct staff to return on June 21, 2004 with an amended Resolution addressing the issue of "Importation of Waste" from the past that was inadvertently deleted at another time.

Mr. Keene suggested a slight reworking of this. He said that the Council could go ahead and move on the rules that were before them, because they dealt with these other matters. He also asked the Mayor and Council to move on what they had directed staff to do, which was to add the language into the Ordinance dealing with importation.

Mayor Walkup said that the motion therefore would still stand. He asked if there was any further discussion.

Ms. Detrick said they needed a new motion then, if Vice Mayor Ronstadt did withdraw his motion, to pass and adopt Resolution No. 19850 as it presently existed..

Mayor Walkup asked if they could do this after this motion.

Ms. Detrick responded they should pass and adopt the Resolution first and then direct staff, and perhaps Vice Mayor Ronstadt could include that in his motion, to direct staff to return on June 21, 2004.

A substitute motion was made by Vice Mayor Ronstadt, duly seconded, to pass and adopt Resolution 19850 and to also direct staff to bring back the revision previously discussed on June 21, 2004.

Mayor Walkup asked for a roll call vote.

Council Member Leal stated he wanted to make sure there was nothing of privatization at this moment.

Council Member West responded absolutely not.

Upon roll call, the results were:

Aye: Council Members West, Dunbar, Scott, and Leal;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: Council Member Ibarra

Resolution 19850 was declared passed and adopted by a roll call vote of 6 to 1.

### **13. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2005 BUDGET**

Mayor Walkup announced City Manager's communication number 306, dated June 14, 2004, would be received into and made a part of the record. He asked the City Clerk to read Resolution 19852 by number and title only.

Resolution No. 19852 relating to finance; adopting a tentative budget for the 2005 fiscal year and fixing times and places, confirming time and place to conduct a truth in taxation public hearing and to conduct a public hearing on said budget, to adopt the final budget in a special meeting, to fix time and place to determine the primary and secondary tax levies for said fiscal year.

Mayor Walkup asked the Council's pleasure.

It was moved by Vice Mayor Ronstadt, duly seconded, that Resolution 19852 be passed and adopted. Adopting a tentative budget for Fiscal Year 2005 with appropriate revisions to the schedules to reflect the contents of the motion approved during Item 2 on today's study session, identified on the agenda as "Continued Budget Discussions".

Mayor Walkup asked if there was any further discussion and recognized Council Member Leal.

Council Member Leal said they had discussed budget issues for some time. There had been forums in different parts of the community and they disagreed and agreed on many issues. Some members of the Council had concerns regarding the twenty million dollars that would come from the disposable income of all families in the community for the garbage fee. The fee would create hardships. Arguably, some of that money could be spent on good things.

Council Member Leal thought the Council had been a little remiss in thinking about the burden that would come to the community from the fee. They have seen more stress on families because the economy has been bad. Different indicators have shown stress on families increased. He also thought that taking twenty million dollars of disposable income from people in its own way was more stressful on families and could exacerbate some of the statistics in our community that reflect social dysfunctionality in family stress.



Council Member Leal said one of the issues they talked about earlier in the budget was five million dollars for sidewalks and lighting. He asked the maker of the motion to accept a friendly amendment that only twenty percent of that be taken and applied to:

- \$200,000 for School Plus Jobs
- \$ 90,000 for Job Path
- \$100,00 for Summer Youth Employment
- \$500,000 for KIDCO
- \$ 50,000 for Swimming Lessons
- \$ 60,000 for Elderly Transportation Services

Council Member Leal said this amount of money would not derail or cripple sidewalks. He thought when they compared the meaning of how this would translate into the lives of children and families, this was a small thing to do and a great thing to achieve. Therefore, he asked that this be a friendly amendment.

Council Member Scott said she would second the motion, for the purpose of discussion. She added there were stress factors in the community which caused enormous stress on the jail system, where people end up when they are under stress. It floods the courts and it floods the jails. Some of these programs were for prevention and intervention and to that extent she thought it would be worthy of endorsing the notion that this would be a good investment in the community. That is why she thought it should be discussed.

Mayor Walkup asked if there was any further discussion.

Council Member West asked if this was an amendment or substitute motion.

Mayor Walkup responded that it was a friendly amendment.

Mayor Walkup recognized Vice Mayor Ronstadt.

Vice Mayor Ronstadt noted this was the sort of discussion that has been the hallmark of Council Members Leal, Ibarra, and Scott during the agenda process. He said it was nice to get applause from an audience, to say the programs should be funded, and no one was quibbling about the quality of the programs. But the reality was that five million dollars for sidewalks funded the certificates of participation which could not be used for these types of programs. He said that in effect, it was nice to make the motion, but the reality was that it was not real. This was just put out there to win applause and be perceived in a certain way. The reality was that money was specifically earmarked with a specific funding mechanism that could only be used for Capital Infrastructure. Therefore, he did not accept the amendment.

Council Member Leal interjected and asked that they then take the money out of one million dollars for outside travel, one half million dollars for subscriptions and three hundred fifty thousand dollars made from sales of advertising on Sun Tran. He said that was more than a million and that he would make a friendly amendment to take it from there. Those funds did not have those restrictions.

Vice Mayor Ronstadt again said it was wonderful to get applause, but the reality was the advertising used on Sun Tran was used to support transit. It was not money that could be used for other things. Again, he said they spent months on this budget. He added that if Council Members Ibarra, Scott, and Leal had real solutions they should have brought them to the table earlier and they should have brought them to the table at this meeting. The reality was they had the budget that was balanced. They were not going to do any game playing at the eleventh hour and he would not accept any amendments.

Council Member West said she wanted to point out a couple of things. She did not know if the Council was aware that the travel budget included money to extradite criminals from other States, to bring them back here to face their victims in this community. To ask the Mayor and Council to use that budget and use it for something else, she was not sure how the victims of these crimes would feel. She said this was not someone's slush fund for travel. These were travel expenses that were truly a part of the community. Further more, the City of Tucson spends thirty million dollars on family and children's programs. This was through the City's budget, which was verified by community services staff the day the Council voted on the community development block grant funds. That was not money for any special interest. It was money used to truly take care of issues in the community. She said that she, too, would not support any kind of an amendment.

Mayor Walkup called for a roll call.

Upon roll call, the results were:

Aye: Council Members West and Dunbar;  
Vice Mayor Ronstadt and Mayor Walkup.

Nay: Council Members Ibarra, Scott, and Leal

Resolution 19852 was declared passed and adopted by a roll call vote of 4 to 3.

#### **14. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

Mayor Walkup announced City Manager's communication number 294, dated June 14, 2004, would be received into and made a part of the record.

Mayor Walkup asked if there were any personal appointments.

Council Member West announced her personal appointment of Jackie Dyer to the Public Art and Community Design Committee as a representative of Ward 2.

**15. ADJOURNMENT: 6:51 p.m.**

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held Monday, June 21, 2004 at 5:30 p.m., in the Music Hall at the Tucson Convention Center, 260 South Church Avenue, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 14<sup>th</sup> day of June, 2004, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:lr/rp